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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,611	10/22/2003	Melchor D. Castellon	M5590.0010	4816

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EXAMINER

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/689,611	Applicant(s) CASTELLON, MELCHOR D.	
	Examiner Jerry Redman	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 and 7-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The status of the claims is as follows:

Claims 1-3 and 5-6 have been cancelled; and

Claims 4 and 7-20 are herein addressed below.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4, 7-11, and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Staser et al. (6,758,013). As shown in Figure 1, Staser et al. ('013) disclose an assembly comprising a vehicle door (12), having an inner and outer panel, a window pane (10), an electric window pane geared drive mechanism (32) adapted to move the window pane (10) from a first position to a second position, a pair of U-shaped rails (14) disposed on opposing edges of the inner panel of the door (12), a cable (20), and only two rotating pulleys (28 and 30) each having a shaft (44) such that the window

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pane (10) is driven between the two positions via the drive mechanism (32) and the pulleys (28 and 30).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 13, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staser et al. ('013) in view of German patent No. DE 10057352 to Hopper. All of the elements of the instant invention are discussed in detail above except providing a lock assembly interconnected to the drive mechanism. German patent No. DE 10057352 to Hopper discloses a lock assembly attached to the vehicle drive mechanism. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the assembly of Staser et al. ('013) with a lock assembly interconnected to the drive mechanism as taught by German patent No. DE 10057352 to Hopper since this allows all of the working parts to be attached together and therefore installed as a single unit thereby decreasing the time it takes to install the window working mechanical parts as well as adjustments made on site during installation.

Claims 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Staser et al. ('013) in view of German patent No. DE 10057352 to Hopper and further in view of Manual et al. (5,924,245). All of the elements of the instant invention are discussed in detail above except providing the cable to be tensioned by a spring(s).

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Manual et al. ('245) disclose a cable drive assembly having springs, which tension the cable. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cable assembly of Staser et al. ('013) with springs to tension the cable as taught by Manual et al. ('245) since springs that tension a cable operated drive assembly prevents slack from building up in the cable drive during opening and closing of a window pane since the forces vary during opening and closing movements.

The applicant's arguments have been considered but are not deemed persuasive. The applicant states that the pulleys don't have a shaft mounted to an inner panel. The Examiner disagrees since the pulleys do have a shaft as discussed in detail above and since the mounting element 15 is attached to the door, the pulleys are therefore attached to the door. They may not be "directly" connected but non-the less, they are connected. With respect to the applicant's arguments of a "guide rail", it's clear that the window is guided by rails (14) and element 18 is used to rigidly mount the pulleys together.


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.



Jerry Redman
Primary Examiner